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OFFICE OF PETITIONS

In re Application of :
Won B. Bang et al. :
Application No. 10/712,464 : DECISION ON PETITION UNDER
Filed: November 12, 2003 : 37 C.F.R. §1.181(A)
Attorney Docket Number: :
A7695/T51600 :
Title: RAMP TEMPERATURE :
TECHNIQUES FOR IMPROVED MEAN :
WAFER BEFORE CLEAN :

This is a decision on the petition under 37 C.F.R §1.181(a),
filed April 5, 2006, to withdraw the holding of abandonment.

The above-identified application became abandoned for failure to
submit the issue and publication fees in a timely manner in
reply to the Notice of Allowance and Issue Fee Due, mailed
November 8, 2005, which set a shortened statutory period for
reply of three (3) months. No extensions of time are permitted
for transmitting issue or publication fees¹. Accordingly, the
above-identified application became abandoned on February 9,
2006. A Notice of Abandonment was mailed on March 28, 2006.

With the present petition, Petitioner has submitted the issue
and publication fees, along with an assertion that he did indeed
submit the issue fee in a timely manner. Petitioner has
included a copy of the issue fee transmittal form PTOL-85B,
which contains an authorization to charge Deposit Account 50-
1074, as well as a certificate of facsimile transmission dated
February 7, 2006.

The electronic file has been reviewed, and a copy of this same
PTOL-85B form has been located, and it is clear that this form
was received on February 8, 2006.

¹ See MPEP §710.02(e).

However, the electronic file also contains a Notice of Fee Due, and indicates that on February 8, 2006, Deposit Account 50-1074 contained a balance of \$101. As such, it would appear that Petitioner failed to replenish his Deposit Account in a timely manner, and the same contained insufficient funds to cover the issue and publication fees for the present application.

Therefore, the petition must be **DISMISSED**.

Any reply must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. §1.136(a) are permitted. The reply should include a cover letter entitled "Renewed Petition Under 37 C.F.R. §1.181." This is not a final agency action within the meaning of 5 U.S.C 704.

The renewed petition should indicate in a prominent manner that the attorney handling this matter is Paul Shanowski, and may be submitted by mail², hand-delivery³, or facsimile⁴.

Petitioner may wish to consider filing a petition under 37 C.F.R. §§1.137(a) or (b). No assurance can be made that any remedy will be forthcoming.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225. All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.



Paul Shanowski
Senior Attorney
Office of Petitions
United States Patent and Trademark Office

2 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.

3 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.

4 (571) 273-8300- please note this is a central facsimile number.